

TRANS-ISTHMIAN HIGHWAY

Convention signed at Washington March 2, 1936

Ratified by Panama July 17, 1939

Senate advice and consent to ratification July 25, 1939

Ratified by the President of the United States July 26, 1939

Ratifications exchanged at Washington July 27, 1939

Entered into force July 27, 1939

Proclaimed by the President of the United States July 27, 1939

Supplemented by agreements of October 19 and 23 and December 20, 1939, and January 4, 1940,¹ and August 31 and September 6, 1940²

53 Stat. 1869; Treaty Series 946

The United States of America and the Republic of Panama, in order to arrange for the completion of a highway between the cities of Panamá and Colón through territory under their respective jurisdictions, hereinafter referred to as the Trans-Isthmian Highway, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The President of the Republic of Panama:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States of America, and The Honorable Doctor Narciso Garay, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

Who, having communicated to each other their respective full powers, which have been found to be in good and due form, have agreed upon the following:

¹ EAS 168, *post*, p. 788.

² EAS 448, *post*, p. 796.

ARTICLE I

In order to make possible the completion of the Trans-Isthmian Highway, the Government of the United States of America undertakes to obtain such waiver from the Panama Railroad Company of its exclusive right to establish roads across the Isthmus of Panama as is necessary to enable the Government of the Republic of Panama to construct a highway from a point on the boundary of the Madden Dam area at Alhajuela to a point on the boundary of the Canal Zone near Cativá.

ARTICLE II

As a contribution to the completion of the Trans-Isthmian Highway, the United States of America will construct without delay and at its own expense that portion of the Highway between the Canal Zone boundary near Cativá and a junction with the Fort Randolph Road near France Field, which portion shall thereafter be maintained by the Republic of Panama at its own expense.

ARTICLE III³

Prior to the undertaking of further construction on the Trans-Isthmian Highway, each Government will appoint an equal number of representatives who will constitute a joint board with authority to adjust questions of detail regarding the location, design and construction of the portions of the Highway falling under the jurisdiction of each Government. Questions of detail on which the board may fail to reach an agreement will be referred to the two Governments for settlement.

ARTICLE IV⁴

The sections of the Trans-Isthmian Highway which are to be constructed by each Government shall have the following minimum characteristics:

a. Pavement: concrete; normal width 18 feet, suitably widened on curves of 5 degrees or sharper; of the thickened edge type of 9" – 7" – 9" section, with proper reinforcement with steel in accordance with good practice; provision for suitable longitudinal and transverse joints, sealed with an asphalt filler, and with adjacent slabs properly doweled.

b. Gradients: maximum 8 percent.

c. Curves: maximum 12 degrees, properly superelevated and suitably widened pavement when of 5 degrees or sharper.

d. Bridges and Culverts: to be two-way, of a width of 20 feet; of capacity to carry live loads equivalent to 20-ton truck with 14 tons on

³ For exchanges of notes dated Oct. 19 and 23 and Dec. 20, 1939, and Jan. 14, 1940, supplementing art. III, see EAS 168, *post*, p. 788.

⁴ For an exchange of notes dated Aug. 31 and Sept. 6, 1940, supplementing art. IV, see EAS 448, *post*, p. 796.

rear axle and 6 tons on front axle; and so located and of such span or size as to afford adequate drainage under maximum flow.

e. Right of Way: to be of ample width to accommodate the pavement plus 4-foot berms and drainage ditches and to provide for suitable slopes in cuts and fills; the right to be reserved to each of the two Governments to install and use telegraph and telephone lines of either pole line construction or underground cable construction in that part of the Trans-Isthmian Highway subject to the jurisdiction of the other Government.

ARTICLE V

The portions of the Trans-Isthmian Highway which the two Governments undertake to construct according to the provisions of this Convention will be completed within a period of ten years after the entrance into force of the Convention. The two Governments will consult with each other with a view to coordinating the construction of the two portions of the highway so far as may be feasible in order that the usefulness of one portion may not be unduly impaired by a failure to complete the other portion.

ARTICLE VI

The United States of America and the Republic of Panama shall maintain in a good state of repair at all times the portions of the Trans-Isthmian Highway within their respective jurisdictions.

ARTICLE VII

Subject to the laws and regulations relating to vehicular traffic in force in their respective jurisdictions the United States of America and the Republic of Panama shall enjoy equally the use of the Trans-Isthmian Highway.

ARTICLE VIII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Convention in duplicate in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

DONE at the city of Washington the second day of March, 1936.

CORDELL HULL [SEAL]

SUMNER WELLES [SEAL]

R. J. ALFARO [SEAL]

NARCISO GARAY [SEAL]